

Cattle grazing battle heats up

by Ellen Porter
Leader Editor

Just about everybody who represents Lucerne Valley wants rancher Dave Fisher to keep his cattle on BLM land in the Ord Mountains.

In recent weeks, Municipal Advisory Council Chairman Chuck Bell, Supervisor Bill Postmus, Sheriff Gary Penrod and 28 California legislators have all sent letters to the Bureau of Land Management, backing Fisher in his appeal of a proposed order issued April 9, telling him to remove his cattle from federal land as soon as possible.

The 28 legislators include Assemblyman Phil Wyman (who wrote the letter and collected signatures from his colleagues), State Senator Pete Knight and Assemblyman Russ Bogh. Wyman and Knight represent most of Lucerne Valley in the California Legislature, while Bogh's district includes a portion of Lucerne Valley.

"I have supported a lot of BLM actions," Bell said. "Not this one."

The BLM issued its order against Fisher after the Southwest Center for Biological Diversity, an environmental group, said it was violating an agreement worked out in January, because it had not yet required ranchers to remove their cattle. This agreement bans spring cattle grazing on BLM land, because - according to the environmental groups - cattle pose a threat to the desert tortoise, which is on the federal "threatened" species list.

The decision affects several cattle ranchers, but in San Bernardino County and Lucerne Valley, the debate centers around Fisher. He is the owner of Shield S Ranch, a patchwork of private land next to BLM land in the Ord Mountains between Barstow and Lucerne Valley.

"Stipulation to the Center's assault on grazing was inappropriate, unnecessarily vindictive, and terribly expensive for all parties, taxpayers included," Bell said.

Unnecessary herding, especially during spring calving season, is likely to be fatal for some

of the newborn calves, Bell said.

Bell agrees there are lots of tortoises in the Ord Mountains. But he wonders, if there are so many, why does a rancher's livelihood have to be harmed to protect them?

In fact, Fisher's presence in the Ord Mountains may actually help wildlife, he said. Cattle ranches use water, and this water sustains many animal species besides cows.

The Ord Mountain ranch has lots of wildflowers on the ground now, Bell said. These flowers are too short for cattle to eat, but the right height for tortoises.

Two nearby areas with lots of tortoises, Bell said, are the Johnson Valley and Stoddard Valley Off-Highway-Vehicle areas. These areas are better for tortoises than the Ord Mountains, he said, because tortoises don't do as well above 4,000 feet.

Bell wonders why the BLM was quick to agree to protections in the Ord Mountains, but hasn't done so in the off-road areas. The BLM gets money from off-

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road license fees, so that's one possible reason, he said.

"Cows must be easier to round up than motorcycles," he said. Could the real "sacred cow" be the powerful motorcycle industry and its constituency?

In his letter, Postmus said he believes Fisher's ranch would be the first of several to go out of business if this order takes effect. Most of Fisher's livestock has been raised in this area, he said, and if Fisher is forced to sell it to comply with the order, he won't likely ever regain the same quality of herd.

Sheriff Penrod has ordered his department to terminate a "memorandum of understanding" with the BLM. This memorandum, which will now only be in effect until the middle of May, sets forth procedures for providing mutual assistance on public and private lands.

Penrod's reason for this, he said, was because of the proposed order issued to Fisher. In his letter to Walter Johnson, chief of law enforcement for the BLM, he warned that cattlemen might physically resist any law enforcement efforts to remove their herds, and he didn't want the Sheriff's Department associated with such violent range disputes.

Penrod said he has received calls from cattle ranchers in Nevada and Washington state thanking him for this action.

"Hopefully we will generate enough concern that the BLM will say enough is enough and not keep doing things that hurt cattle ranchers," he said.

This termination of the mutual aid agreement apparently would only apply to a request by the BLM for help in physically removing cattle.

Local deputies say that if the

BLM officers need help resolving the usual crime problems on federal property - such as breaking up rave parties - they would go out, same as usual.

"We'll find a way to make it work," Sgt. Errol Bechtel said. "If there's a problem that needs law enforcement, we will respond."

The legislators' letter is addressed to BLM State Director Mike Pool, and says those who signed believe the BLM actions violate Fisher's constitutionally guaranteed private property rights. Local Assemblyman Phil Wyman wrote the letter, and other signers include State Senator Pete Knight, and Assemblyman Russ Bogh.

Wyman and Knight represent most of Lucerne Valley and all of Barstow. Bogh's district includes a portion of Lucerne Valley and Johnson Valley, where another rancher affected by the BLM decision has a herd.

Supervisor Postmus, meanwhile, has submitted written comments saying he sides with the cattle ranchers to the Barstow office of the BLM.

"It is my belief that the loss of ranching operations in my district will cause considerable and perhaps actionable harm to San Bernardino County by negatively impacting its employment and tax base, which are necessary to provide vital public services to the citizens of San Bernardino County," he said in his comment.

Postmus also said in his comments that there is no scientific evidence to justify that tortoises and cattle can't co-exist.

He also faulted the BLM for not consulting with ranchers and others who have permits to use BLM land - nor with San Bernardino County - before reaching an agreement with the Southwest Center for Biological Diversity.